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30 NOV 2007

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In re Application of:	:	
KEMP, Stephen, et al.	:	DECISION ON PETITION UNDER
U.S. Application No.: 10/538,664	:	37 CFR 1.182 AND RENEWED
PCT No.: PCT/GB02/05588	:	PETITION UNDER 37 CFR 1.47(a)
Int'l Filing Date: 10 December 2002	:	
Priority Date: None	:	
Atty Docket No.: 86769-0020	:	
For: Data Model Development Tool	:	

This decision is issued in response to the "Petition Under 37 CFR 1.182 And Renewed Petition Under 37 CFR 1.47(a)" filed 29 October 2007. Applicants have paid the petition fee required for the petition under 37 CFR 1.182; no additional petition fee is required with respect to the renewed petition under 37 CFR 1.47(a).

### **BACKGROUND**

The procedural background for the present application was set forth in the decisions mailed herein on 25 January 2007 and 29 August 2007. Those decisions dismissed applicants' previous petition under 37 CFR 1.47(a) for failure to satisfy the requirements of a grantable petition. Specifically, the most recent decision found that applicants had not submitted an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor. The decision noted that a petition under 37 CFR 1.182 to correct the second inventor's name was required before the declaration filed 25 May 2007 could be accepted in satisfaction of this requirement.

On 29 October 2007, applicants filed the "Petition Under 37 CFR 1.182 And Renewed Petition Under 37 CFR 1.47(a)" considered herein.

### **DISCUSSION**

#### **1. Petition Under 37 CFR 1.182**

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration

submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

As noted in the previous decisions, the discrepancy between the second inventor's name as listed in the international application (MATHER) and in the filed declaration (NICHOLSON) is more than a "typographical or transliteration error." Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a petition "must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

Applicants' present petition included the required petition fee. Applicants' submission also includes an "Affidavit" in which the inventor states that her name was legally changed after the filing of the international application from Katherine A. MATHER to Katherine A. NICHOLSON as a result of her marriage. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for this inventor from Katherine A. MATHER to Katherine A. NICHOLSON.

## **2. Renewed Petition Under 37 CFR 1.47(a)**

In light of the correction of the name of the second inventor from Katherine A. MATHER to Katherine A. NICHOLSON, the declaration filed by applicants on 25 May 2007 is no longer defective for failure to properly identify the inventors of record herein. Accordingly, this declaration (which was executed by the three cooperating inventors and included an unsigned signature box for non-signing inventor David HILLEWAERE) can be accepted as having been executed by the inventors on their own behalf and on behalf of the non-signing inventor.

Based on the above, applicants have now satisfied the final requirement for a grantable petition under 37 CFR 1.47(a).

## **CONCLUSION**

The petition under 37 CFR 1.182 is **GRANTED**. The name of record for the second inventor is hereby changed from Katherine A. MATHER to Katherine A. NICHOLSON

The renewed petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of non-signing inventor David HILLEWAERE.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 25 May 2007.

A handwritten signature in black ink, appearing to read 'rll r', is positioned above the typed name of the signatory.

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